

A RESOLUTION AS SUBSTITUTED BY THE PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING SETTLEMENT OF
THE INVERSE CONDEMNATION CASE ENTITLED
TREMEX PROPERTIES, INC. V. CITY OF
ATLANTA, FILED WITH THE SUPERIOR COURT
OF CLAYTON COUNTY, CIVIL ACTION FILE NO.:
91-CV-00258 IN AN AMOUNT NOT TO EXCEED
ONE HUNDRED AND FIFTY THOUSAND
DOLLARS (\$150,000.00) FOR PROPERTY LOCATED
AT 4552 OLD DIXIE HIGHWAY, FOREST PARK,
GEORGIA. SAID SETTLEMENT SHALL BE
CHARGED TO AND PAID FROM FUND ACCOUNT
AND CENTER NUMBER: 2H01 (AIRPORT
REVENUE FUND); 529017 (PROPERTY
/LIQUIDATION); T31001 (UNALLOCATED FUND-
WIDE EXPENSES).

WHEREAS, the City of Atlanta (hereinafter the "City"), as owner and operator of the Hartsfield-Jackson Atlanta International Airport (hereinafter "Airport") developed and adapted the Aircraft Noise Exposure Maps & Noise Compatibility Program ("Program").

WHEREAS, the purpose of the Program, developed on/or about April, 1984, was to reduce non-compatible land uses around the Airport through the purchase of owner-occupied, single-family residential units from willing sellers, through arms-length negotiations and transactions.

WHEREAS, the Program did not include the purchase of commercial property such as the transient lodging known as the Red Carpet Inn located at 4552 Old Dixie Highway, Forest Park, Georgia ("the Inn"), which is the subject of the above referenced lawsuit.

WHEREAS, on May 22, 1991, Tremex Properties, Inc., as owners of the Red Carpet Inn, filed a Complaint against the City, alleging, *inter alia*, damage to their real property causing a diminution in the fair market value of their property and business damages and claiming in excess of \$2,750,000 in damages.

WHEREAS, after numerous motions eliminating issues from the case, Tremex Properties, Inc. has agreed to settle the above referenced case in the amount of One Hundred & Fifty Thousand Dollars (\$150,000.00).

WHEREAS, the City Attorney has done an extensive view of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claim is in excess of the settlement amount;

WHEREAS, the settlement of the case of Tremex Properties Inc. v. The City of Atlanta shall not be deemed to be an admission of liability or wrongdoing on the part of the City or any other current or former employee or agent of the City;

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$150,000.00 to settle the above described lawsuit.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. The City Attorney is hereby authorized to settle the lawsuit styled Tremex Properties Inc. v the City of Atlanta in amount not to exceed One Hundred & Fifty Thousand Dollars (\$150,000.00) on behalf of the City of Atlanta.

SECTION 2. That the Chief Financial Officer is authorized to make payment and said payment is to be charged to and paid from Fund Account; and Center number 2H019 (Airport Revenue Fund); 529017 (Property/Liquidation); T31001 (Unallocated Fund-wide Expenses) . Payment shall be in the form of a check in the amount of \$150,000 payable to Attorney Donna Howell and Tremex Properties Inc.

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